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Attorneys for Defendant Google LLC

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION**

CHASOM BROWN, *et al.*, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No. 4:20-cv-03664-YGR-SVK

**DECLARATION OF DONALD SETH
FORTENBERY IN SUPPORT OF
DEFENDANT GOOGLE LLC'S MOTION
TO EXCLUDE PLAINTIFFS' LATE
DISCLOSED AND IRRELEVANT
WITNESS BLAKE LEMOINE**

The Honorable Yvonne Gonzalez Rogers
Date: November 15, 2023
Time: 9:00 a.m.
Location: Courtroom 1 – 4th Floor

Trial Date: January 29, 2024

1 I, Donald Seth Fortenbery, declare as follows:

2 1. I am a member of the bar of the State of New York and an associate attorney for
3 Quinn Emanuel Urquhart & Sullivan, LLP. I make this declaration of my own personal, firsthand
4 knowledge, and if called and sworn as a witness, I could and would testify competently thereto.

5 2. I submit this declaration in support of Google's Motion to Exclude Plaintiffs' Late
6 Disclosed and Irrelevant Witness Blake Lemoine.

7 3. Attached hereto as Exhibit A is a true and correct copy of a May 27, 2023 Tweet
8 published from the account @cajundiscordian under the name "Blake Lemoine," which is available
9 online at <https://twitter.com/cajundiscordian/status/1662594469848563713?s=20>.

10 4. Attached hereto as Exhibit B is a true and correct copy of an October 6, 2022 Tweet
11 published from the account @cajundiscordian under the name "Blake Lemoine," which is available
12 online at <https://twitter.com/cajundiscordian/status/1578029909791764481?s=20>.

13 5. Attached hereto as Exhibit C is a true and correct copy of a January 31, 2023 Tweet
14 published from the account @cajundiscordian under the name "Blake Lemoine," which is available
15 online at <https://twitter.com/cajundiscordian/status/1620516603254439944?s=20>.

16 6. Attached hereto as Exhibit D is a true and correct copy of a September 10, 2023
17 email from Plaintiffs' counsel Alex Frawley (AFrawley@susmangodfrey.com) to Google's counsel.

18 I declare under penalty of perjury of the laws of the United States that the foregoing is true
19 and correct.

20 Executed in Hoboken, New Jersey on October 11, 2023.

21 By /s/ Donald Seth Fortenbery
22 Donald Seth Fortenbery